

### **REMARKS**

Claims 1-41 are pending in the present application, with claims 1, 35-37, 40, and 41 being the independent claims. Claims 1-3 and 36-41 have been amended. No new matter has been added.

In the Office Action dated January 25, 2008, claims 1-3 and 37-39 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent Application Publication No. 2001/0011995 issued to Hinckley et al. (hereinafter referred to as "Hinckley") in view of U.S. Patent No. 5598522 issued to Inatomi (hereinafter referred to as "Inatomi"). Claims 4-20, 23-24 and 26-34 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Hinckley in view of Inatomi in further view of the 1999 publication "Microsoft Windows 98 Keyboard Guide" by Snyder (hereinafter referred to as "Snyder"). Claims 36, 40 and 41 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Hinckley in view of Inatomi in further view of the 1993 publication "LogitechMouse User's Guide". Claims 21 and 25 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Hinckley in view of Inatomi in further view of the 2001 publication "Quicktime 5 for Macintosh and Windows: Visual Quickstart Guide" by Stern et al.

The outstanding rejections to the claims are respectfully traversed.

### **Allowed Claims**

Applicants gratefully acknowledge that the Office Action indicates that claim 35 is allowed.

### **Examiner Interview**

Applicants thank Examiner Long and Supervisory Patent Examiner Hutton for conducting a telephonic interview with Applicants' undersigned representative and Applicants' representative Lucinda Jones (USPTO Registration No. 57,921) on April 10, 2008. Applicants' representatives and the Examiners discussed the application of Hinckley and Inatomi to the present application and possible claim amendments which may facilitate further prosecution of the present application. The proposed claim amendments are believed to address the Examiners' concerns regarding differentiating the presently claimed subject

matter from the cited references and to overcome the teachings of Hinckley and Inatomi. The following represents a summary of the arguments presented during the interview.

**Rejections under 35 U.S.C. §103**

In the Office Action, claims 1-3 and 37-39 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Hinckley in view of Inatomi. Applicants respectfully traverse this rejection.

Independent claim 1 has been amended to further clarify the claimed subject matter. Claim1, as amended, is directed to:

1. A method for combining the functionality of a set of at least two commands into a single logical button, said method comprising:
  - prioritizing the set of commands from highest priority to lowest priority;
  - using an operating system shell hook to issue a first command as an application command to an application after the logical button is activated;
  - recognizing when the first command issued to the application is rejected by the application; and
  - if the first command is rejected by the application, then **automatically and without user intervention** using an operating system shell hook to issue at least one lower priority command as an application command to the application.

Applicants find support for the amendments in at least paragraphs [0006]-[0016] and [0116]-[0118] of the present specification.

In order for a reference to anticipate or render a claim obvious, it must teach and/or suggest all of the recited elements of the claim as well as the arrangement of those elements. The cited references do not.

Hinckley is directed to a touch sensitive input device that can detect the proximity of a user's hand and display the function of the input device on a display without the user activating the input device. Hinckley discloses that "the function and status of the input device and its auxiliary controls change from application to application." (Hinckley paragraph [0009].) The Office Action asserts that this paragraph of Hinckley discloses

combining the functionality of a set of at least two command calls into a single logical button. Applicants respectfully disagree. This section of Hinckley is merely describing that the function of an input may vary between applications in which the input may be activated. This is not the same as combining the functionality of a set of at least two commands into a single logical button.

Hinckley describes a system where the function of a control depends on the application in which the control is activated. "...**another** game or application may assign the same buttons or controls different features." (Hinckley paragraph [0009].) Thus, Hinckley's control function is determined by the application in which the control is activated. However, Hinckley's control is not capable of performing more than one function per application. In contradistinction, claim 1 recites "combining the functionality of a set of at least two commands into a single logical button." The following excerpt from paragraph [0117] of the present specification provides further explanation using a non-limiting exemplary embodiments of the present disclosure:

....One solution presented by certain embodiments of the present invention is to **use the OUT button to generate a Back key command when that command is understood by the application at issue, and to instead generate an Escape key command when the Back key command is not understood by the application**-that is, to Cascade a Back command followed by an Escape command.

Inatomi is directed to a command processing system operating with a graphical user interface in a computer system wherein user-selectable objects may have multiple commands associated with them. The user manually selects the objects and the commands associated with the objects through the graphical user interface using a mouse. The Office Action relies on column 5, lines 16-51 of Inatomi to support the assertion that Inatomi teaches recognizing when a command is rejected by an application and sending at least one lower priority command call. Applicants respectfully disagree. In Inatomi, the rejection of commands **by an application** is not recognized. Instead, the selection of a different command is detected. Inatomi's user must manually select a different command if the user does not wish to use the command with the highest priority or the command currently selected for the associated object. The following excerpt of Inatomi provides further explanation:

When the object X is selected, a command having the highest priority, among commands applicable to the object X, is displayed in the command area 32, as shown in FIG. 4B. In this example, the command having the highest priority is the "OPEN" command. If a user wishes to open the file (the object X), the mouse button is clicked by the user in this state, so that the process represented by the "OPEN" command is immediately executed without moving the cursor 31.

On the other hand, **if the user wishes to select another command, for example, the "DELETE" command, the cursor 31 is moved to the menu bar in the same manner as in the conventional case and the file menu is opened. After this, the "DELETE" command is selected in the pull-down menu by the manipulation of the mouse.** As a result, the process represented by the "DELETE" command is executed, so that the file (the object X) is deleted from this system. (*Inatomi, column 5, lines 17-33*)

As should be appreciated from this excerpt, Inatomi's user must manually make a selection of a different command if the user does not wish to use the command currently associated with and displayed in the command area of an object. The user may select the command from a pull-down menu, as described in the above excerpt, or the user may issue an instruction for changing the command, as described in column 5, lines 36-51 of Inatomi.

In contradistinction, the present method discloses recognizing when the first command issued to the application is rejected by the application; and if the first command is rejected by the application, then **automatically and without user intervention using an operating system shell hook to issue at least one lower priority command as an application command** to the application, as claimed in claim 1. Furthermore, because claim 1 uses an operating system shell hook to issue at least one lower priority command as an application command to the application, claim 1 necessarily removes the user from the method because such shell hooks are only used directly by an operating system. Further explanation may be found in paragraph [0117] and Figure 6A of the present specification, which describe a non-limiting example of the present method in operation:

[0117] FIG. 6A is a flow chart depicting the logic for the method of the OUT button in certain embodiments of the present invention. When the OUT button is pressed at block 602, at block 604 **the OUT button system, using an operating system shell hook, issues to the application an application command** equivalent to the command generated by a user depressing the Back key on a keyboard (which is also sometimes labeled as the Browser Back key or some other equivalent, the operation of which is also sometimes

implemented as a right-click on a mouse). Then, at block 606 **the system determines whether or not the Back application command was rejected** and, if not, at block 650 the system returns; otherwise, at block 608 **the system issues an Escape command** and then at block 650 returns.

Inatomi requires manual user intervention to issue a different command than the highest priority or currently selected command associated with an object. Inatomi does not provide for recognizing when a command is rejected by an application **and automatically and without user intervention** issuing a different command. Inatomi only detects that a user manually rejects a command by detecting the user selecting a different command to be associated with an object. After detecting such a rejection, Inatomi does not automatically issue a lower priority command **without user intervention**. Inatomi requires the additional step of the user selecting which command is to be used.

Moreover, merely presenting commands to the user in a list in a particular order, as taught in Inatomi, is not the same as automatically, and without user intervention, issuing at least one lower priority command when a prior command is rejected by an application. Inatomi's prioritization is only used to determine which command is displayed in the command area of an object. (Inatomi, column 5, lines, 54-59.) Inatomi does not disclose prioritizing the set of commands from highest priority to lowest priority, recognizing when the first command issued to the application is rejected by the application; and if the first command is rejected by the application, then **automatically and without user intervention** using an operating system shell hook to issue at least one lower priority command as an application command to the application.

As admitted in the Final Rejection on page 3, Hinckley does not teach prioritizing commands. Applicants further submit that Hinckley does not teach automatically and without user intervention using an operating system shell hook to issue at least one lower priority command. Therefore, Hinckley fails to cure the deficiencies of Inatomi, as set forth above. The remaining references also do not teach the recited claim language. Because the cited references fail to teach or even suggest all of the claimed elements, they cannot anticipate or render obvious the combination of claim 1.

The Final Rejection rejects claims 36-37, 40 and 41 over Hinckley in view of Inatomi on substantially the same basis as the rejection of claim 1. Applicants have amended claims

36, 37, 40, and 41 for purposes of clarity. Applicants respectfully traverse these rejections, and assert that the arguments set forth herein with respect to the rejection of claim 1 also apply to the rejection of claims 36-37, 40 and 41. Accordingly, Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. §103(a) rejection of claims 36-37, 40 and 41.

Applicants acknowledge that the Office Action establishes additional grounds for rejection of the remaining claims, all of which are dependent upon claims 1, 36-37, 40 and 41, either directly or indirectly. However, in view of the amendments and traversals set forth with respect to the independent claims, Applicants believe that all such dependent claims are in condition for allowance, rendering the rejection of those claims moot. Applicants believe that this response completely and accurately addresses all grounds of rejection. Applicants reserve the right to challenge the rejection of any of those dependent claims in any future response that may be forthcoming.

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**PATENT**

### **CONCLUSION**

In view of the foregoing, Applicants respectfully submit that this application, including claims 1-41, is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

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